

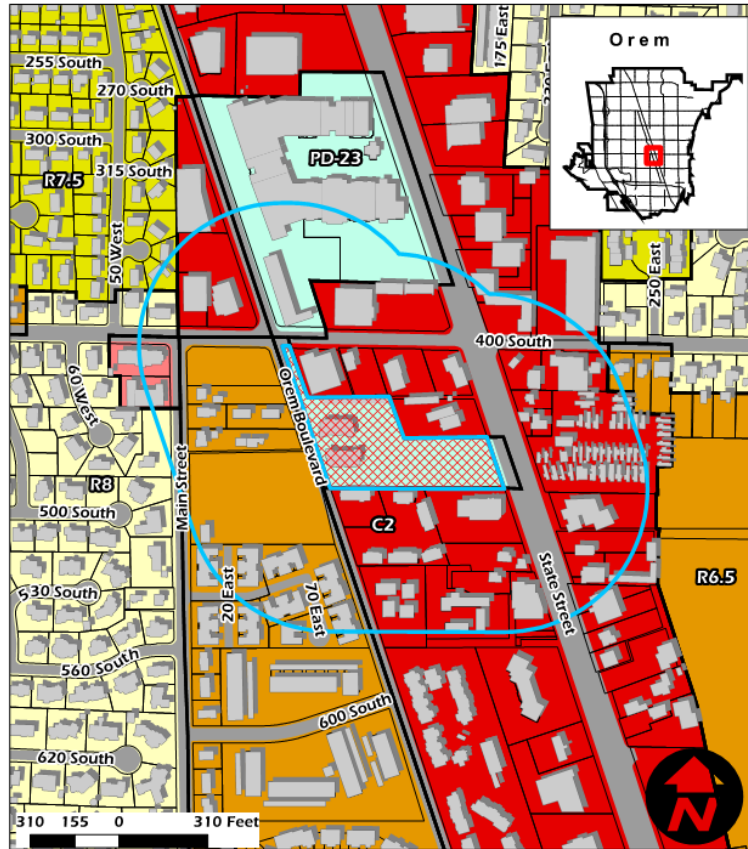


PUBLIC HEARING – Amending Section 22-11-53(H)(21) of the Orem City Code pertaining to the order of development in the PD-40 zone at 470 South State Street



## PD-40 Text Amendment

470 SOUTH STATE STREET



PD-40 Text Amendment  
3.59 acres

NIA CONTACT:  
Stonewood  
Vacant

Legend  
500' notification boundary  
PD-40  
Parcels

Proposed changes are as follows:

22-11-53(H)

21. Order of Development. The commercial/mixed-use building shown in Area B of the concept plan must be constructed either 1) before a second building may be constructed in Area A or 2) concurrent with the second building in Area A. This is to ensure that there will be commercial development in the PD-40 zone.

**1. Requirements Applicable to “Concurrent” Construction of Mixed-Use Building.** In order to further clarify and define Developer’s obligations to construct the mixed-use building on the Property “concurrent” with the second and third residential buildings in accordance with Developer’s proposed text amendment to the PD-40 zone, Developer agrees that it shall do the following:

1.1. Developer shall apply for and obtain all building permits necessary for the construction of the **mixed-use building within sixty days (60) of receipt of a building permit for construction of a second residential building** on the Property. Developer shall make all applications, pay all fees and obtain all approvals necessary to receive a building permit for the mixed-use building within the timeframe described herein.

1.2. Developer shall complete all **footings and foundation** and shall do all things necessary to obtain building inspection approval for all footings and foundation for the mixed-use building **within 120 days** of completing the footings and foundation for the second residential building.

1.3. Developer shall complete all **exterior framing work** and shall do all things necessary to obtain building inspection approval of all exterior framing work for the mixed-use building **within 120 days** of completing the exterior framing work for the second residential building.

1.4. Developer shall complete all **plumbing, mechanical and electrical work** and do all things necessary to obtain building inspection approval of such plumbing and electrical work for the mixed-use building **within 120 days** of completion of the plumbing and electrical work for the second residential building.

1.5. Developer shall complete **all exterior finish work** and shall do all things necessary to obtain building inspection approval for all exterior finish work for the mixed-use building **within 120 days** of completion of the exterior finish work for the second residential building.

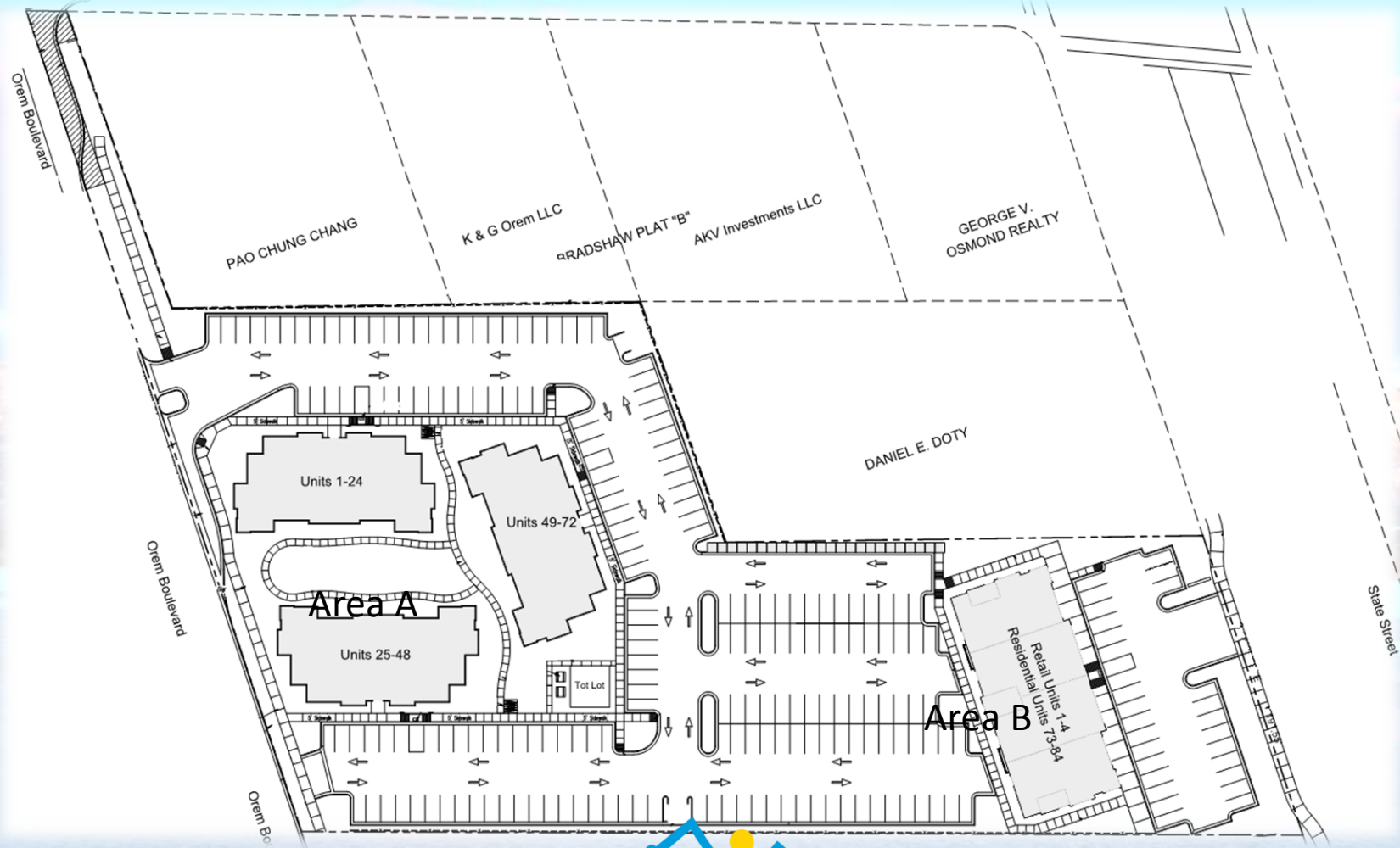
1.6. Developer shall schedule and do all things necessary to pass a **final inspection and receive a certificate of occupancy for the mixed-use building within 120 days** of obtaining a certificate of occupancy (including a temporary certificate of occupancy) for the second residential building.

1.7. Developer agrees that it shall not request and the City shall not schedule a final inspection for the second residential building until Developer has completed all exterior finish work and has done all things necessary to obtain building inspection approval for all exterior finish work for the mixed-use building.

1.8. Developer shall not be entitled to any partial releases of the bond that Developer will post for the mixed-use building until the mixed-use building has been completed and the mixed-use building has passed a final inspection.







### Advantages

- The time-frame of project build-out is potentially decreased.
- The purpose of the timing requirement will still be met while at the same time providing additional flexibility to the developer.

### Disadvantages

- None identified

**RECOMMENDATION:** The Planning Commission recommends the City Council amend Section 22-11-53(H)(21) of the Orem City Code pertaining to the order of development in the PD-40 zone at 470 South State Street. Staff supports the recommendation of the Planning Commission.

